

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF NEW YORK

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JOSE RODRIGUEZ,

Plaintiff,

-against-

ORDER

18-CV-0203 (JS) (AKT)

NASSAU COUNTY POLICE DEPARTMENT,
and JOHN DOE,

Defendants.

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APPEARANCES

For Plaintiff: Jose Rodriguez, pro se
18001556
Nassau County Correctional Center
100 Carman Avenue
East Meadow, NY 11554

For Defendants: No appearances.

SEYBERT, District Judge:

By Memorandum and Order dated June 6, 2018 (the "M&O"), the Court granted incarcerated pro se plaintiff Jose Rodriguez's ("Plaintiff") application to proceed in forma pauperis, and sua sponte dismissed the Complaint for failure to state a claim pursuant to 28 U.S.C. §§ 1915(e)(2)(B)(ii), 1915A(b)(1). Plaintiff was granted leave to file an Amended Complaint within thirty (30) days from the date of the M&O and was cautioned that his failure to timely file an Amended Complaint would lead to the entry of judgment and this case would be CLOSED.

On June 28, 2018, Plaintiff filed a letter motion requesting the appointment of pro bono counsel to represent him in

this case. By Electronic Order dated July 10, 2018 the Court denied the letter motion for the appointment of pro bono counsel without prejudice and with leave to renew upon the proper form. The Electronic Order also extended the deadline to July 31, 2018 for the filing of the Amended Complaint. Plaintiff was again warned that his failure to file an Amended Complaint as directed would lead to the dismissal of the case.

To date, Plaintiff has not filed an Amended Complaint. On July 20, 2018 Plaintiff filed a renewed application for the appointment of pro bono counsel on the Court's form. However, given that Plaintiff received the Court's Electronic Order and has chosen not to file an Amended Complaint as directed, judgment shall now enter and the Clerk of the Court is directed to CLOSE this case and to mail a copy of this Order to the pro se Plaintiff.

The Court certifies pursuant to 28 U.S.C. § 1915(a)(3) that any appeal from this Order would not be taken in good faith and therefore in forma pauperis status is DENIED for the purpose of any appeal. See Coppedge v. United States, 369 U.S. 438, 444-45, 82 S. Ct. 917, 8 L. Ed. 2d 21 (1962).

SO ORDERED.

/s/ JOANNA SEYBERT
JOANNA SEYBERT, U.S.D.J.

Dated: October 11, 2018
Central Islip, New York